

REMARKS/ARGUMENTS

I. Introduction

This amendment is respectfully submitted in response to the Office Action dated August 11, 2005. **The amendment follows a Feb. 2, 2006 telephone interview summarized below in which the Examiner indicated amending the claims as done herein would overcome the outstanding rejections.** The deadline for responding to the Office Action has been extended by way of a request for a three month extension of time filed herewith to Feb. 13, 2006 (Feb 11 and 12 were a Saturday and Sunday, respectively. Submitted along with this response is an Information Disclosure Statement. Applicants request the Examiner review and consider the references cited therein.

Claims 1-13 and 19-27 are pending. New claim 27 has been added. In the Office Action the Examiner withdrew the indicated allowability of claim 3-7 and issued new grounds of rejection.

In the current Office Action the Examiner rejected claims 1 and 3-5 under 35 U.S.C. §102(b) as being clearly anticipated by U.S. Patent No. 5,448,626 to Kajiya. In addition, the Examiner rejected claims 2, 7, 19, 20, 24, and 26 under 35 U.S.C. §103(a) as being unpatentable over the Kajiya patent in view of U.S. Patent No. 6,020,980 to Freeman. Claims 6, 8-11, 21-23 and 25 stand rejected under 35 USC 103(a) as being unpatentable over the Kajiya patent in view of U.S. Patent No. 5,465,295 to Furman. In addition, the Examiner rejected claims 12 and 13 under 35 U.S.C. 103(a) as being unpatentable over the Kajiya patent in view of the Furman patent as applied to claims 8-11, and further in view of the Freeman patent.

As will be discussed below, various claims, as amended herein, are directed to novel features of the invention including, for example, the case where a fax telephone call, e.g., after being answered, is forwarded to a telephone number but also

monitored so that, e.g., the facsimile delivered by the forwarded call can also be delivered in an E-mail. Such a novel combination is not taught or suggested by the applied references as will be discussed below.

II. Brief Discussion of the Invention

Applicants suggest that the Examiner review pages 27 and 28 and, in particular, the last paragraph of page 27 for a discussion of some of the novel and beneficial features of the invention.

The present invention provides fax call forwarding capabilities which are more convenient and useful than conventional fax call forwarding services. In accordance with various embodiments of the invention, calls are checked, e.g., after being answered in some embodiments, to determine if the call is a voice call or a fax call. Thus, the invention allows for fax and voice calls to be treated differently. More significantly however, is the ability of the system of the present invention to support multiple modes of delivery of a facsimile thereby allowing the same fax to be delivered by multiple methods, e.g., by a telephone call and by E-mail. In this way, a service subscriber can receive a fax via E-mail, e.g., while traveling, while the fax can also be forwarded to a telephone number specified by the subscriber, e.g., to a hotel fax machine or the user's regular fax machine. In such a case, the subscriber will receive multiple copies of the fax thereby providing the subscriber the ability to read the fax, e.g., in E-mail form, when traveling while still allowing the subscriber to obtain a hard copy from a conventional fax machine thereby avoiding the need for the user to print the E-mail which may be inconvenient while traveling.

In addition to allowing a subscriber to receive a fax by both E-mail in addition to a conventional fax machine, in various embodiments the fax by E-mail forwarding and fax by telephone forwarding features are controlled by separate status indicators included in a subscriber record. In this manner, a user can control the fax and E-mail forwarding separately. This enables the user to enable/disable each forwarding

feature independently for a high degree of flexibility. For example, depending on where a user is traveling E-mail access may be limited to a low speed connection at a particular location. In such a case the user may want to disable the E-mail forwarding feature to avoid clogging the user's E-mail with large files while at the location which supports only a low speed E-mail connection. While at such a location the user may want to have the faxes forwarded to a hotel's fax machine without receiving E-mail copies while at other times the user may wish to receive the facsimiles by both E-mail and telephone..

The applied references do not teach, disclose, or suggest a system such as that disclosed in the patent where forwarding of faxes via E-mail and telephone can be used together, e.g., in parallel, but controlled independently according to the user's needs at a particular time. Furthermore, they fail to teach, disclose or suggest such fax forwarding methods in combination with voice call forwarding which, in accordance with the invention, can be controlled to forward voice calls to a different telephone number from which fax calls are forwarded.

III. Interview Summary

This interview summary is presented in the format suggested by the Patent Office.

1. **Date of Interview:**
Feb. 9, 2005
2. **Type of Interview:** Telephonic
3. **Name of Participants:**
Examiner: Harry S. Hong
Applicants' Rep: Michael P. Straub
4. **Exhibit(s) Shown:** A Proposed amendment Attached hereto as an Appendix was submitted by E-mail prior to the interview
5. **Claims discussed:** The pending claims, i.e., claims 1-13 and 19-27 were discussed.

6. References Discussed:

The references used to reject the claims were discussed including the Kajiya et al. patent.

7. Proposed Amendments discussed:

Applicants proposed amending the claims as done herein.

**8. Discussion of General Thrust
of the Principal Arguments**

None of the applied references talk about the parallel delivery of multiple copies of a facsimile to a service subscriber. More importantly, the references do not disclose or suggest delivering, via different delivery techniques such as E-mail and telephone delivery methods, **multiple copies** of a facsimile message to a service subscriber as part of a fax forwarding service. Accordingly, nothing in the applied references teaches, discloses or suggests the subject matter of the amended claims whether the references are considered alone or in combination.

The Examiner's rejection of the claims relies on an Examiner proposed combination of up to three references, the Kajiya patent, the Furman patent and the Freeman patent. **The Examiner recognizes that the combination of the Kajiya and Furman patents fails to disclose the use of E-mail for fax forwarding.** The Examiner attempts to make up for this acknowledged deficiency by citing the Freeman patent.

For example, in rejecting claims 12 and 13, the Examiner states:

Kajiya in view of Furman is silent with respect to the feature of forwarding the fax calls to an email address. However, Freeman plainly teaches such a feature. Therefore, it would have been obvious even to one of ordinary skill in the art at the time of the invention to modify the method of Kajiya in view of Furman to forward the fax calls to an email address as taught by Freeman ...
(Office Action page 4)

The Freeman patent describes a facsimile to electronic mail system in which a facsimile server device receives and demodulates a facsimile transmission directed to a dialed telephone number. The facsimile server then queries a subscriber database for translation of the dialed phone number to an e-mail address. The facsimile server device attaches the translated object file to an electronic mail message, or inserts it within, and sends the electronic mail message to the subscriber. (See abstract)

The Freeman patent describes delivering a facsimile message by E-mail to the intended recipient **rather than by telephone**. Nothing in the Freeman patent describes delivering multiple copies of a facsimile to a subscriber or using different delivery techniques in parallel to deliver a facsimile to a subscriber. Accordingly, even if combined with the other references, the combination would not render obvious any of the pending claims.

In view of the amendments to the claims and the above remarks, it was respectfully submitted that all of the pending claims are patentable over the applied references.

9. Other Pertinent Matters Discussed: None

10. General Results/Outcome of Interview

The Examiner indicated that amending the claims as done herein would overcome the outstanding rejections.

III. Conclusion

Applicants thank the Examiner for taking the time to discuss the case.

Applicants request that the Examiner enter the proposed amendment included in this document and allow the case. In the event that there are any changes need to be made to place the application in condition for allowance, the Examiner is invited to contact Applicants' representative, Michael Straub, at 732-542-9070 to discuss and hopefully resolve said issues.

To the extent necessary, a petition for extension of time under 37 C.F.R. §1.136 is hereby made, the fee for which should be charged to Patent Office deposit account number 07-2347.

Respectfully submitted,

February 10, 2006

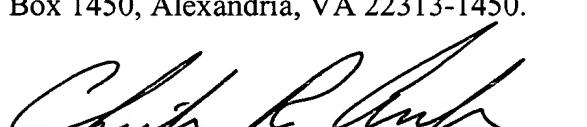


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CERTIFICATE OF MAILING under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited on **February 10, 2006** with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Christian Andersen

APPENDIX

(This Appendix to the Amendment to Application S.N. 09/841,415 includes a copy of an E-mail and Proposed Amendment Submitted to Examiner Hong prior to the Feb. 9, 2006 Telephone interview)

Michael Straub

From: Michael Straub
Sent: Wednesday, February 08, 2006 8:20 PM
To: 'harry.hong@uspto.gov'
Subject: Proposed Amendment for 09/841,415

As requested, attached herewith is a proposed amendment for U.S. Patent Application 09/841,415. I look forward to our 2 pm telephone conference scheduled for Thursday Feb. 9, 2006.

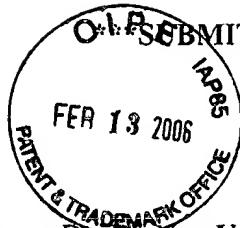
I will need to consult with my client and receive approval for any formal amendment I submit following our interview. However, this should serve as a useful basis for our discussion.

Best regards,

Michael Straub

Straub & Pokotylo
Phone (732) 542-9070
Fax (732) 542-9071

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*** PROPOSED AMENDMENT ***
SUBMITTED FOR DISCUSSION PURPOSES ONLY***

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Attorney Docket No.: Verizon-9 (01-1507)

Appl. No.: 09/841,415

Applicants: **Michael P. STRAUB, William A. KAY**

Filed: **April 24, 2001**

Title: **METHODS AND APPARATUS FOR FORWARDING FACSIMILES BY PHONE
AND/OR E-MAIL**

TC/A.U.: **2642**

Examiner: **Harry S. Hong**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PROPOSED AMENDMENT

Sir:

This Proposed Amendment is being submitted by E-mail prior to a scheduled Feb. 9, 2006 telephone interview to facilitate the discussion.

This is in response to the Office Action mailed on August 11, 2005 (Paper No. 3), which set a period for response to expire on November 11, 2005, please amend the above-identified application as follows:

Proposed amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 12 of this paper.

***** PROPOSED AMENDMENT *****
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This listing of claims will replace all prior versions, and listings, of claims in the application:

1 Claim 1 (currently amended): A communications method, comprising the steps of:
2 detecting a first telephone call to a first telephone number;
3 answering the first telephone call;
4 determining if the answered first telephone call is a fax or voice
5 telephone call;
6 ~~if the first telephone call is determined to be a voice telephone call,~~
7 ~~forwarding the first telephone call using a second telephone number;~~ and
8 if the first telephone call is determined to be a fax telephone call,
9 performing, in parallel, i) a fax delivery by E-mail operation and ii) a fax delivery by
10 telephone operation thereby resulting in delivery of a facsimile received from said
11 first telephone call by both an E-mail message and by a telephone call thereby
12 providing delivery of the facsimile to multiple devices
13 ~~forwarding the first telephone call using a third telephone number, the third telephone~~
14 ~~number being different from said second telephone number.~~

1 Claim 2 (currently amended): The method of claim 1, further comprising wherein
2 performing a fax delivery by E-mail operation includes the step steps of:
3 receiving a facsimile message transmitted via the first telephone call;
4 storing the received facsimile message as an electronic file; and
5 E-mailing the electronic file to a call forwarding service subscriber.

1 Claim 3 (currently amended): A communications method, comprising the steps of:
2 ~~detecting a first telephone call to a first telephone number; The method~~
3 of claim 1,
4 wherein determining if the first telephone call is a fax or voice
5 telephone call by: includes: answering the first telephone call; and monitoring the
6 answered call for a tone indicative of a fax communication;

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7 wherein if the first telephone call is determined to be a voice telephone
8 call, the method further comprises forwarding the first telephone call using a second
9 telephone number; and

10 if the first telephone call is determined to be a fax telephone call,
11 forwarding the first telephone call wherein performing a fax delivery by phone
12 operation includes using a third telephone number, the third telephone number being
13 different from said second telephone number.

1 Claim 4 (original): The method of claim 3, further comprising:
2 retrieving from stored call forwarding service subscriber information
3 at least one of a stored voice call forwarding telephone number and a stored fax
4 forwarding telephone number, the stored voice call forwarding telephone number
5 being used as said second telephone number, the stored fax forwarding telephone
6 number being used as said third telephone number.

1 Claim 5 (original): The method of claim 4, wherein said step of forwarding the first
2 telephone call using a second telephone number includes:
3 placing a telephone call to said second telephone number; and
4 bridging the first telephone call and the telephone call to the second
5 telephone number.

1 Claim 6 (original): The method of claim 5,
2 wherein detecting a first telephone call includes setting a terminating
3 attempt trigger at a telephone switch on a telephone line corresponding to the first
4 telephone number; and
5 wherein placing a telephone call to said second telephone number and
6 bridging the first telephone call and the telephone call to the second telephone
7 number are performed by a peripheral device coupled to said telephone switch.

***** PROPOSED AMENDMENT *****
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1 Claim 7 (original): The communications method of claim 4, further comprising:
2 retrieving from stored call forwarding service subscriber information
3 at least one of a stored voice call forwarding telephone number and a stored fax
4 forwarding telephone number, the stored voice call forwarding telephone number
5 being used as said second telephone number when retrieved, the stored fax
6 forwarding telephone number being used as said third telephone number when
7 retrieved; and
8 retrieving from said stored call forwarding service subscriber
9 information an E-mail address to be used when forwarding a fax by E-mail.

1 Claim 8 (currently amended): A communications method for use in a telephone
2 network including a telephone switch, service control point, and telephone switch
3 peripheral device, comprising the steps of:
4 setting a terminating attempt trigger at a telephone switch on a
5 telephone line corresponding to a first telephone number;
6 in response to activation of said terminating attempt trigger by a first
7 telephone call, operating the telephone switch to contact a service control point for
8 call processing instructions;
9 operating said service control point to instruct the telephone switch to
10 connect the first telephone call to the telephone switch peripheral device;
11 operating the telephone switch peripheral device to answer the first
12 telephone call and to then determine if the first telephone call is a fax or voice
13 telephone call;
14 if the first telephone call is determined to be a voice telephone call,
15 i. — operating the telephone switch peripheral device to
16 retrieve a voice telephone call forwarding telephone number
17 from a set of stored subscriber information including a voice
18 telephone call forwarding telephone number and a fax
19 telephone call forwarding telephone number; and

***** PROPOSED AMENDMENT *****
*****SUBMITTED FOR DISCUSSION PURPOSES ONLY*****

20 ii. ~~forwarding the first telephone call using the retrieved~~
21 ~~voice telephone call forwarding telephone number; and~~
22 if the first telephone call is determined to be a fax telephone call,
23 generating a file including a fax communicated by said
24 first telephone call;
25 delivering said file including a fax via E-mail;
26 i. operating the telephone switch peripheral device to
27 retrieve ~~the a~~ fax telephone call forwarding telephone number
28 from ~~the a~~ set of stored subscriber information; and
29 ii. forwarding the first telephone call using the retrieved
30 fax telephone call forwarding telephone number to thereby
31 deliver said fax to a subscriber device via a call in addition to
32 delivery via E-mail.

1 Claim 9 (currently amended): The method of claim 8, wherein if the first telephone
2 call is determined to be a voice telephone call, the method further comprises:
3 i. operating the telephone switch peripheral device to retrieve a voice
4 telephone call forwarding telephone number from the set of stored subscriber
5 information; and
6 ii. forwarding the first telephone call using the retrieved voice telephone
7 call forwarding telephone number, forwarding the first telephone call using the
8 retrieved voice telephone call forwarding telephone number includes operating the
9 telephone switch peripheral device to:
10 place a call to said call forwarding telephone number;
11 and
12 bridge the first telephone call and the call to said call
13 forwarding telephone number.

***** PROPOSED AMENDMENT *****
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1 Claim 10 (original): The method of claim 9, wherein forwarding the first telephone
2 call using the retrieved fax telephone call forwarding telephone number includes
3 operating the telephone switch peripheral device to:

4 place a call to said fax telephone call forwarding telephone number;
5 and

6 bridge the first telephone call and the call to said fax telephone call
7 forwarding telephone number.

1 Claim 11 (original): The method of claim 8, further comprising, prior to operating
2 the telephone switch peripheral device to determine if the first telephone call is a fax
3 or voice telephone call:

4 storing said set of subscriber information including a voice telephone
5 call forwarding telephone number and a fax telephone call forwarding telephone
6 number in said telephone switch peripheral device.

1 Claim 12 (currently amended): The method of claim 11, further comprising, storing
2 in said set of subscriber information an E-mail address to be used for forwarding a fax
3 by E-mail, ~~the method further comprising:~~

4 ~~operating the telephone switch peripheral device to receive a fax~~
5 ~~message transmitted by said first telephone call; and~~

6 ~~forwarding the fax message in an E-mail addressed using the E-mail~~
7 ~~address stored in said set of subscriber information.~~

1 Claim 13 (previously presented): The method of claim 12, further comprising:
2 ~~wherein the step of~~

3 ~~operating the telephone switch peripheral device to receive the fax message~~
4 ~~includes the step of:~~

***** PROPOSED AMENDMENT *****
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5 monitoring the forwarded call, between the first telephone call and the
6 call to said fax telephone call forwarding telephone number, for fax data
7 corresponding to the fax message.

1 Claims 14-18 (canceled)

1 Claim 19 (currently amended): A communications method, the method comprising
2 the steps of:

3 operating a telephone switch to detect a call to a telephone number;
4 connecting the telephone call to a peripheral device coupled to the
5 telephone switch;

6 operating said peripheral device to:

7 i. answer said call;
8 ii. determine if the answered call is a fax telephone call or a
9 non-fax call;

10 iii. if it is determined that the answered telephone call is a fax
11 telephone call, connect the call by a telephone line to a
12 facsimile device corresponding to a call forwarding service
13 subscriber while monitoring the telephone call to receive a
14 facsimile message delivered to the facsimile device via the
15 answered call; and

16 iv. send an E-mail message including said received facsimile
17 message to thereby deliver said facsimile by an E-mail device
18 corresponding to said subscriber in addition to delivery to said
19 facsimile device corresponding to said subscriber a call
20 forwarding service subscriber; and
21 v. if it is determined that the answered call is a non-fax call,
22 forward the call to another telephone number.

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1 Claim 20 (currently amended): The communications method of claim 19, further
2 comprising the step of:

3 using the called telephone number to access a call forwarding service
4 subscriber record; and

5 retrieving ~~form~~ from the call forwarding service subscriber record an
6 E-mail address to be used for forwarding a fax message.

1 Claim 21 (currently amended): The communications method of claim 20, wherein
2 the step of operating a telephone switch to detect a call to a telephone number
3 includes:

4 setting a terminating attempt trigger on a telephone line corresponding
5 to said telephone number; and

6 wherein the method further comprises:

7 if it is determined that the answered call is a non-fax call, forwarding the
8 call to another telephone number.

1 Claim 22 (original): The communications method of claim 21, further comprising the
2 step of:

3 contacting a service control point for call processing instructions in
4 response to activation of said terminating attempt trigger; and

5 wherein connecting the telephone call to a peripheral device includes:

6 operating the telephone switch to couple the detected call to the
7 peripheral device in response to an instruction received from the
8 service control point.

1 Claim 23 (original): The communications method of claim 22,

2 wherein the instruction received ~~form~~ the service control point is a
3 STOR message; and

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4 wherein the peripheral device is coupled to said telephone switch by
5 an additional telephone switch.

1 Claim 24 (currently amended): A fax forwarding method, the method comprising:
2 for each of a plurality of fax forwarding service subscribers, creating a
3 subscriber record including:
4 at least one telephone number corresponding to a telephone
5 line on which the forwarding service subscriber may receive a fax call;
6 fax forwarding by E-mail status information indicating whether
7 faxes are to be forwarded by E-mail;
8 fax forwarding by telephone status information indicating if
9 faxes are to be forwarded by telephone; and
10 an E-mail address to be used to forward a fax received by
11 answering a call directed to said at least one telephone number;
12 monitoring a plurality of said telephone lines on which fax forwarding
13 service subscribers may receive fax calls; and
14 in response to receiving a call on one of said monitored lines:
15 answering said call;
16 determining if said answered received call is a fax call or a
17 non-fax call;
18 if the received call is determined to be a fax call and the fax
19 forwarding by E-mail status information indicates faxes are to be
20 forwarded by E-mail for the monitored line on which the call was
21 received, determining, by accessing from the subscriber record
22 corresponding to the telephone line on which the fax call is received,
23 an E-mail address to be used for forwarding a fax received on said
24 telephone line; and forwarding by E-mail, using the determined E-mail
25 address, a fax received on said telephone line; and

***** PROPOSED AMENDMENT *****
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1 Claim 25 (original): The method of claim 24, wherein monitoring a plurality of said
2 telephone lines on which fax forwarding service subscribers may receive fax calls
3 includes:

4 setting an AIN terminating attempt trigger on each of said plurality of
5 telephone lines.

6 placing a call using the determined fax forwarding telephone number;
7 and

1 Claim 27 (new) The method claim 1, further comprising:

2 if the first telephone call is determined to be a fax telephone call,
3 prior to performing, in parallel, i) a fax delivery by E-mail operation and ii) a fax
4 delivery by telephone operation:

5 determining if forwarding information corresponding to said first
6 telephone number includes a fax forwarding by telephone status indicator indicating

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7 that fax forwarding by telephone is to be performed and if said forwarding
8 information also includes a fax forwarding by E-mail status indicator indicating that
9 fax forwarding by E-mail is to be performed, said step of performing, in parallel, i) a
10 fax delivery by E-mail operation and ii) a fax delivery by telephone operation being
11 performed only when both said fax forwarding by telephone and fax forwarding by E-
12 mail indicators indicate that fax forwarding is to be performed.

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II. Brief Discussion of the Invention

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Applicants suggest that the Examiner review pages 27 and 28 and, in particular, the last paragraph of page 27 for a discussion of some of the novel and beneficial features of the invention.

The present invention provides fax call forwarding capabilities which are more convenient and useful than conventional fax call forwarding services. In accordance with various embodiments of the invention, calls are checked, e.g., after being answered in some embodiments, to determine if the call is a voice call or a fax call. Thus, the invention allows for fax and voice calls to be treated differently. More significantly however, is the ability of the system of the present invention to support multiple modes of delivery of a facsimile thereby allowing the same fax to be delivered by multiple methods, e.g., by a telephone call and by E-mail. In this way, a service subscriber can receive a fax via E-mail, e.g., while traveling, while the fax can also be forwarded to a telephone number specified by the subscriber, e.g., to a hotel fax machine or the user's regular fax machine. In such a case, the subscriber will receive multiple copies of the fax thereby providing the subscriber the ability to read the fax, e.g., in E-mail form, when traveling while still allowing the subscriber to obtain a hard copy from a conventional fax machine thereby avoiding the need for the user to print the E-mail which may be inconvenient while traveling.

In addition to allowing a subscriber to receive a fax by both E-mail in addition to a conventional fax machine, in various embodiments the fax by E-mail forwarding and fax by telephone forwarding features are controlled by separate status indicators included in a subscriber record. In this manner, a user can control the fax and E-mail forwarding separately. This enables the user to enable/disable each forwarding feature independently for a high degree of flexibility. For example, depending on where a user is traveling E-mail access may be limited to a low speed connection at a particular location. In such a case the user may want to disable the E-mail forwarding feature to avoid clogging the user's E-mail with large files while at the location which supports only a low speed E-mail connection. While at such a location the user may

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want to have the faxes forwarded to a hotel's fax machine without receiving E-mail copies while at other times the user may wish to receive the facsimiles by both E-mail and telephone..

The applied references do not teach, disclose, or suggest a system such as that disclosed in the patent where forwarding of faxes via E-mail and telephone can be used together, e.g., in parallel, but controlled independently according to the user's needs at a particular time. Furthermore, they fail to teach, disclose or suggest such fax forwarding methods in combination with voice call forwarding which, in accordance with the invention, can be controlled to forward voice calls to a different telephone number from which fax calls are forwarded.

III. The Pending Claims Are Patentable

None of the applied references talk about the parallel delivery of multiple copies of a facsimile to a service subscriber. More importantly, the references do not disclose or suggest delivering, via different delivery techniques such as E-mail and telephone delivery methods, **multiple copies** of a facsimile message to a service subscriber as part of a fax forwarding service. Accordingly, nothing in the applied references teaches, discloses or suggests the subject matter of the amended claims whether the references are considered alone or in combination.

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(Office Action page 4)

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